

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9/18/23

BILL 1

LLS NO. 24-0273.01 Shelby Ross x4510

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Behavioral Health Disorders in the Criminal and Juvenile Justice
Systems**

BILL TOPIC: Remote Court Appearance For Intensive Treatment
DEADLINES: File by: 9/28/2023

A BILL FOR AN ACT

101 **CONCERNING REMOTE PARTICIPATION FOR A CRIMINAL DEFENDANT**
102 **WHO IS ACTIVELY RECEIVING INTENSIVE TREATMENT FOR A**
103 **BEHAVIORAL HEALTH DISORDER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. For any criminal court proceeding except for trials, the bill requires all Colorado courts, including municipal courts, to allow a defendant who is actively receiving inpatient hospitalization,

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

partial hospitalization, or intensive outpatient care for a behavioral health disorder to either choose to appear in person or remotely by the use of an interactive audiovisual device, unless the court determines based on good cause that the defendant must appear in person.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-1-132, **add** (3.7)
3 as follows:

4 **13-1-132. Use of interactive audiovisual devices and**
5 **communication technology in court proceedings.** (3.7) FOR ANY
6 CRIMINAL COURT PROCEEDING EXCEPT FOR TRIALS, ALL COLORADO
7 COURTS, INCLUDING MUNICIPAL COURTS, SHALL ALLOW A DEFENDANT
8 WHO IS ACTIVELY RECEIVING INPATIENT HOSPITALIZATION, PARTIAL
9 HOSPITALIZATION, OR INTENSIVE OUTPATIENT CARE FOR A BEHAVIORAL
10 HEALTH DISORDER, AS DEFINED IN SECTION 27-50-101, TO CHOOSE EITHER
11 TO APPEAR IN PERSON OR REMOTELY BY THE USE OF AN INTERACTIVE
12 AUDIOVISUAL DEVICE, UNLESS THE COURT DETERMINES BASED ON GOOD
13 CAUSE THAT THE DEFENDANT MUST APPEAR IN PERSON.

14 **SECTION 2.** In Colorado Revised Statutes, **amend as it will**
15 **become effective January 1, 2024,** 13-10-103 as follows:

16 **13-10-103. Applicability.** This article 10 applies to and governs
17 the operation of municipal courts in the cities and towns of this state.
18 Except for the provisions relating to the method of salary payment for
19 municipal judges, the incarceration of children pursuant to sections
20 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or
21 lawful custodian of any child under eighteen years of age who is charged
22 with a municipal offense as required by section 13-10-111, the right to a
23 trial by jury for petty offenses pursuant to section 16-10-109, relief from

1 improperly entered guilty pleas pursuant to section 18-1-410.6, the
2 prosecution of an alleged act of domestic violence, as defined in section
3 18-6-800.3, making a criminal court proceeding conducted in open court
4 available for remote public viewing and listening in real time, CRIMINAL
5 COURT PROCEEDINGS EXCEPT FOR TRIALS FOR A DEFENDANT WHO IS
6 ACTIVELY RECEIVING INPATIENT HOSPITALIZATION, PARTIAL
7 HOSPITALIZATION, OR INTENSIVE OUTPATIENT CARE FOR A BEHAVIORAL
8 HEALTH DISORDER, rules of procedure promulgated by the supreme court,
9 and appellate procedure, this article 10 may be superseded by charter or
10 ordinance enacted by a home rule city.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.